

VIA EFS
Docket No.: 393032040300
PATENT
Client Ref. No. H7976US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tatsutoshi ABE et al.

Application No.: 10/650,236

Confirmation No.: 6413

Filed: August 28, 2003

Group Art Unit: 2451

For: **COMMAND SYNCHRONIZATION
ESTABLISHMENT SYSTEM**

Examiner: Maceeh Anwari

REPLY BRIEF

MS Appeal Brief - Patents
Attn: Technology Center AU 2614
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

In response to the Examiner's Answer dated February 3, 2011, Appellants herewith submit a Reply Brief to the Examiner's Answer as required under 37 C.F.R. § 41.41(a). This Brief is timely filed as April 4, 2011 is the next succeeding business day after April 3, 2011.

This Brief contains items under the following headings as required by MPEP § 1208:

- I. Status of Claims
- II. Grounds of Rejection to be Reviewed on Appeal
- III. Argument

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I. STATUS OF CLAIMS

A. Current Status of Claims

Claims cancelled: 3

Claims pending: 1-2 and 4-10

Claims withdrawn from consideration but not cancelled: none

Claims confirmed: none

Claims rejected: 1-2 and 4-10

B. Claims on Appeal

The claims on appeal are claims 1-2 and 4-10.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-2 and 4-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,148,051 to Fujimori *et al.* (Fujimori) in view of U.S. Patent Application Publication No. 2002/0064185 A1 to Nakai *et al.* (Nakai).

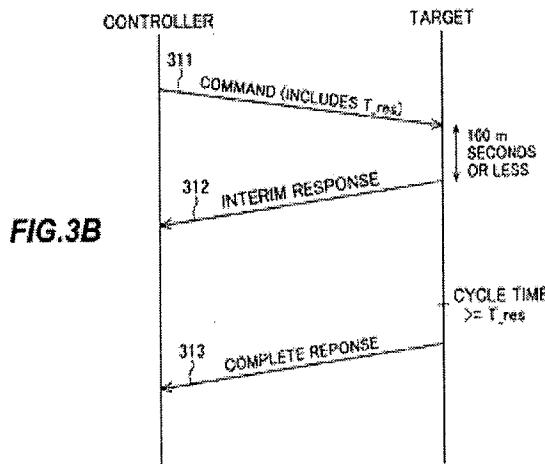
III. ARGUMENT

Appellants respectfully submit that the Examiner's Answer has failed to establish that Fujimori or Nakai discloses or suggests at least the limitations of claims 1-2 and 4-10 directed to two responses to a command with a time stamp. For example, system claim 1 recites:

a controller ... comprising a transmitter that transmits *a command including a time-stamp* based on the synchronized clock to a target apparatus by using the asynchronous transfer; and

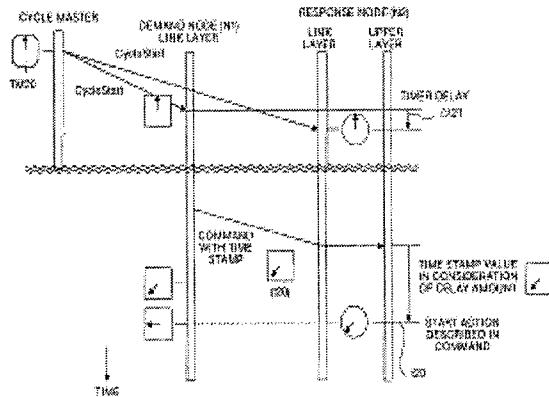
the target apparatus ... comprising *a receiver that receives the command, ... a transmitter that transmits an interim response to the controller reflecting that the received command will be executed when a current time based on the synchronized clock reaches a time represented by the time-stamp included in the command ... and a replying device that provides a complete response indicating completion of executing the command.*"

As noted in the Appeal Brief, these limitations directed to two responses to a command with a time stamp are supported in the specification and drawings. For example, Fig. 3B below discloses a controller issuing a command 311 with a time stamp followed by an interim response 312 and a complete response 313 by a target.



In his Answer, the Examiner acknowledged that Fujimori fails to disclose the limitations directed to two responses to a command with a time stamp. (See pages 4 of the Examiner's Answer.) Instead, in rejecting claim 1, the Examiner cited Figs. 6-14, 18 and 24 and paragraphs [152], [163] and [168] of Nakai for these limitations. (See pages 5-6 of the Examiner's Answer.) These citations are directed to the transactions or operations between a request node N1 and a response node N2. As illustrated in Fig. 18 below, the request node N1 sends a preliminary command (a Read command) to acquire time delay deviation (t21) from the response node N2. (See also paragraph [0156].) The response node N2 responds with the time delay information. With the time delay deviation (t21), the request node N1 performs the time delay calculation or adjustment and sends a separate and executable command with a time stamp to start an action in the response node N2. (See paragraphs [0152], [0156] and [0158].) The response node N2 responds to such a command with an acknowledgment packet (e.g., DA in Fig. 24).

FIG.18



None of the operations identified by the Examiner properly maps to the claim limitations of two responses to a command with a time stamp. It appears that the Examiner cites the Read command as meeting the recited command with time stamps. (See page 8 of the Examiner's Answer.) However, the Read command from the request node N1 does not contain any time stamp or trigger any action in the response node N2, whereas claim 1 recites "a controller ... comprising a transmitter that transmits a command including a time-stamp based on the synchronized clock to a target apparatus by using the asynchronous transfer." Thus, Appellants respectfully submit that the Examiner erred in mapping the Read command for acquiring time delay deviation in Nakai to the claimed command.

Even assuming Nakai's Read command corresponds to the claimed command with a time-stamp, Nakai does not disclose having two responses with respect to that Read command. As shown in Fig. 18 of Nakai, the response node N2 receives the Read command from the request node

N1 and responds with a single time deviation response. Importantly, there is no second response from the response node N2 to the Read command.

In addition, the Examiner's reliance on the acknowledgement packets in Fig. 24 of Nakai as meeting the recited second response is misplaced. An acknowledgment packet is not a second response to the Read command. Rather, it is a response to a different command than the initial Read command, namely, a subsequent command with a time stamp (*see* Fig. 18 above). In other words, Nakai discloses a process comprising "read command → time deviation response → command with time stamp → acknowledgement packets." This is distinct from the present invention providing two responses to a command with a time stamp, *i.e.*, "command with time stamp → an interim response → a complete response." Accordingly, Appellants respectfully submits that Nakai fails to disclose or suggest the above limitations in claim 1 and its dependent claims 4-6 and thus the combination of Fujimori and Nakai fail to render these claims obvious.

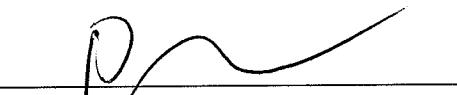
Other independent claims 2 and 7-10 also include these limitations as discussed above, and thus the combination of Fujimori and Nakai fail to render these claims obvious.

In light of the above, Applicant respectfully submits that claims 1-2 and 4-10 are patentable over the cited references because they do not disclose the two-response feature as defined in the claims.

It is believed that no fee is due in connection with this Reply Brief. However, in the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension, fee and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032003100.

Respectfully submitted,

Date: April 4, 2011

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